

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jung-Kwon HEO

U.S. Serial No.: 09/618,731

Examiner: C. Onuaku

Confirmation No. 9566

Filed: July 18, 2000

Group Art Unit: 2616

For: APPARATUS AND METHOD FOR RECORDING DATA ON A DVD-AUDIO DISK

**LETTER TO THE EXAMINER REQUESTING CONSIDERATION OF TIMELY FILED
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to a review of the instant application after receipt of the Notice of Allowance mailed October 5, 2005, it appears that the applicants have not received confirmation that the Information Disclosure Statement reference PCT 96/38842 (Reference AF) filed on February 4, 2004 has been considered. As indicated in the enclosed Form PTO 1449 signed August 4, 2004, it appears that the failure to initial was inadvertent since a line was placed through the class and subclass for Reference AF even though no initials appear in the allocated spot. Moreover, as indicated in the enclosed copy of the Information Disclosure Statement date stamped February 4, 2004, Reference AF corresponds to U.S. Patent No. 5,926,448, which has the initials in the allocated spot. It is respectfully requested that the Examiner confirm consideration of Reference AF by completing the August 10, 2004 Form PTO 1449.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: 

James G. McEwen
Registration No. 41,983

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Date: February 8, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jung-Kwon HEO

Application No.: 09/618,731

Group Art Unit: 2615

Filed: July 18, 2000

Examiner: C. Onuaku

For: APPARATUS AND METHOD FOR RECORDING DATA ON A DVD-AUDIO DISK

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. ☒ English language translation (Abstract Only as indicated) attached to each non-English language publication.
- 1e. ☒ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☒ This Information Disclosure Statement is filed under 37 CFR §1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☒ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND
- (Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)*
- 3a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; OR
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. § 1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
4. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND
- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND
- 4b. ☐ The \$180.00 fee set forth in 37 C.F.R. § 1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
5. ☐ Statement under § 1.97(e) *(applicable if Item 3a or Item 4a is checked)*
- (Check either Item 5a or 5b)*
- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).
- (Check appropriate Items 6a and/or 6b)*
- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. __, filed on __, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
- 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. __, filed on __, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7. ☐ This is a continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114.
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on _____.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed _____.
9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed.)
- 9b. ☐ set forth in the application.
- 9c. ☒ satisfied because an English language translation (Abstract Only as indicated) is attached to each non-English language publication.
- 9d. ☒ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: FEB 4, 2004
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Washington, D.C. 20005
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Facsimile: (202) 434-1501

By: 

James G. McEwen
Registration No. 41,983

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 1317.1014CIPCIP	APPLICATION NO. 09/618,731
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		FIRST NAMED INVENTOR Jung-Kwon HEO	
		FILING DATE July 18, 2000	GROUP ART UNIT 2615

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	5,825,979	10/1998	Tsutsui et al.			
		5,926,453	7/1999	Muramatsu et al.			
		5,712,838	1/1998	Inazawa et al.			
		5,926,448	7/1999	Yokota et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO	
	AB	08-186500	07/16/1996	Japan			Abstract Only	
	AC	07-73474	03/17/1995	Japan			Abstract Only	
	AD	09-147487	06/06/1997	Japan			Abstract Only	
	AE	08-336103	12/17/1996	Japan			Abstract Only	
	AF	96/38842	05/12/1996	PCT			Abstract Only	
	AG							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

							TRANSLATION YES NO	
	AH	Oshma, DVD, pages 223-233 (1996).						X

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

ATTACHMENT 1(e)

EXPLANATIONS OF RELEVANCY OF REFERENCES	ATTORNEY DOCKET NO.	APPLICATION NO.
	1317.1014CIPCIP	09/618,731
	FIRST NAMED INVENTOR	
	Jung-Kwon HEO	
	FILING DATE	GROUP ART UNIT
	July 18, 2000	2615

- 1) U.S. Patent No. 5,825,979 corresponds to Japanese Patent Publication No. 08-186500
- 2) U.S. Patent No. 5,926,453 corresponds to Japanese Patent Publication No. 07-73474
- 3) U.S. Patent No. 5,712,838 corresponds to Japanese Patent Publication No. 09-147487
- 4) U.S. Patent No. 5,926,448 corresponds to PCT Publication No. 96/38842



Sheet 1 of 1

FORM REPLY 1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO.	APPLICATION NO.
	1317.1014CIPCIP	09/618,731
	FIRST NAMED INVENTOR	
	Jung-Kwon HEO	
FILING DATE		GROUP ART UNIT
July 18, 2000		2645 2616

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
<i>lwo</i>	AA	5,825,979	10/1998	Tsutsui et al.	<u> </u>	<u> </u>	
<i>lwo</i>		5,926,453	7/1999	Muramatsu et al.	<u> </u>	<u> </u>	
<i>lwo</i>		5,712,838	1/1998	Inazawa et al.	<u> </u>	<u> </u>	
<i>lwo</i>		5,926,448	7/1999	Yokota et al.	<u> </u>	<u> </u>	

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<i>lwo</i>	AC	07-73474	03/17/1995	Japan	<u> </u>	<u> </u>	Abstract Only	
<i>lwo</i>	AD	09-147487	06/06/1997	Japan	<u> </u>	<u> </u>	Abstract Only	
<i>lwo</i>	AE	08-336103	12/17/1996	Japan	<u> </u>	<u> </u>	Abstract Only	
	AF	96/38842	05/12/1996	PCT	<u> </u>	<u> </u>	Abstract Only	
	AG							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

			TRANSLATION YES NO	
<i>lwo</i>	AH	Oshma, DVD, pages 223-233 (1996).		X

EXAMINER	DATE CONSIDERED
CHRISTOPHER ONYAKU	8/10/04
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	